

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE COMMUNICATION

TO: Jim Sygo, Deputy Director
Executive Division

FROM: James R. Janiczek, Chief
Groundwater Permits Unit
Water Bureau

DATE: December 5, 2007

SUBJECT: Revisions Made to the Draft Groundwater Discharge Permit
Kennecott Eagle Minerals Company (KEMC)

The draft groundwater discharge permit for the KEMC was revised based upon input from the public received during the public comment period as well as comments received from the company. The following is a list of the changes made to the draft permit.

- **Part I, Section 4. Groundwater Monitoring and Limitations for downgradient monitor wells has been revised to add maximum daily limits to many parameters.**

In the initial draft permit, numeric limits were not included for all parameters in Part I, Section 4 of the draft permit, only for those parameters that were related to concerns relative to surface water venting. This Section lists the compliance groundwater monitor wells related to the groundwater discharge and appropriate limitations. Relative to the Part 22 Rules, those parameters were still limited pursuant to Rules 2222(3), 2222(5)(a) and 2222(7)(d). In response to public concern, numerical values that reflect the standards were added to the appropriate parameters in Part I, Section 4.

- **Part I, Section 12.c) has been revised to state: “Within 7 days of resampling, the permittee shall submit a written report”**

KEMC requested a change to Section 12 of the draft permit, which is the Section entitled “Compliance Requirements”. In this section, groundwater permits contain an excerpt from Rule 2227, which is the rule that provides detailed responsibilities in the event a permit limit in effluent or groundwater is exceeded. The change requested by Kennecott would require them to report with 7 days of confirming a permit exceedance, rather than 7 days from the

first set of sampling results. In any case, all of the reporting time frames are more conservative than the minimum required in Rule 2227.

In Section 12, we also added specific language from Rule 2227 relative to reducing or eliminating the use of a substance (Rule 2227(2)(h)(i) and closure of the facility (Rule 2227(2)(j)), which do not normally appear in the Compliance Requirement section.

- **Part I, Section 14, a definition for By-pass was added.**

A definition for “By-pass” was added due to confusion over the meaning of this term found in boilerplate language in Part II, Section 2.a of the draft permit. KEMC thought Part II, Section 2.a addressed the bypass discharge of treated effluent that meets the Part 22 standards. This Section is only intended to address the discharge of effluent that does not meet permit limitations and the new definition clarifies that.

- **Part III, Section 1 has been revised to state: “This permit does not authorize any direct discharge to the surface waters.”**

As the discharge will vent to a tributary of the eastern branch of the Salmon Trout River, this change was made to clarify the prohibition of a direct discharge to the surface waters, not venting of groundwater to surface water.

- **The Expected Effluent Quality list is now labeled as Attachment I and The Method Quantification Level list is now labeled as Attachment II (with references to these attachments throughout the permit revised to reflect this change).**

This is a minor change to the permit, the previous references to Attachments I and II were not correct throughout the draft.

- **Attachment I, the list of Expected Effluent Quality, now includes a footnote explaining the purpose of the list.**

This was added to clear up confusion expressed by the public as to the purpose of the list. The list contains effluent limitations, lower than the Part 22 Standards, that KEMC indicated are achievable by the wastewater treatment system. Language in Part I, Section 10.d specifies how compliance with the limits in Attachment I will be addressed.

- **Part III, Section 5, has been revised to correctly reference Part II, Section 2, *Bypass Prohibitions and Notification*, of the permit.**

A minor correction made to reference the appropriate Section.